



## **Order under Section 69 Residential Tenancies Act, 2006**

**Citation:** Kasparian v Thomas, 2023 ONLTB 28273

**Date:** 2023-03-29

**File Number:** LTB-L-046165-22

**In the matter of:** MAIN FLOOR, 119 HILLSDALE AVE E TORONTO  
ON M4S1T4

**Between:** Brigitte Kasparian Landlords  
Gregory Kasparian

**And**

Shaquille Thomas Tenant

Brigitte Kasparian and Gregory Kasparian (the 'Landlords') applied for an order to terminate the tenancy and evict Shaquille Thomas (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 13, 2023.

The Landlord, Gregory Kasparian, and the Landlord's Legal Representative, Eleni Papastathakis, attended the hearing.

As of 3:35 p.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

### **Determinations:**

1. The Landlords served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$2,300.00. It is due on the 1st day of each month.

4. Based on the Monthly rent, the daily rent/compensation is \$75.62. This amount is calculated as follows: \$2,300.00 x 12, divided by 365 days.
5. The Tenant has paid \$13,700.00 to the Landlords since the application was filed.
6. The rent arrears owing to March 31, 2023 are \$9,300.00.
7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlords collected a rent deposit of \$2,200.00 from the Tenant and this deposit is still being held by the Landlords. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. Interest on the rent deposit, in the amount of \$43.58 is owing to the Tenant for the period from November 20, 2021 to March 13, 2023.
10. The Landlord submitted that they are unaware of any circumstances of the Tenant that would cause the termination of the tenancy to be delayed or denied however he stated the Tenant has paid a substantial amount towards the arrears and therefore, the Landlords are amiable to delaying termination of the tenancy to April 30, 2023 as this would afford the Tenant more time to void the order or find alternative housing.
11. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to postpone the eviction until April 30, 2023 pursuant to subsection 83(1)(b) of the Act.

**It is ordered that:**

1. The tenancy between the Landlords and the Tenant is terminated unless the Tenant voids this order.
  2. **The Tenant may void this order and continue the tenancy by paying to the Landlords or to the LTB in trust:**
    - \$9,486.00 if the payment is made on or before March 31, 2023. See Schedule 1 for the calculation of the amount owing.
- OR**
- \$11,786.00 if the payment is made on or before April 30, 2023. See Schedule 1 for the calculation of the amount owing.
  3. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after April 30, 2023 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
  4. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before April 30, 2023.**



Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlords since the application was filed	- \$13,700.00
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Total the Tenant must pay to continue the tenancy</b>	<b>\$9,486.00</b>

**B. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before April 30, 2023**

Rent Owing To April 30, 2023	\$25,300.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlords since the application was filed	- \$13,700.00
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Total the Tenant must pay to continue the tenancy</b>	<b>\$11,786.00</b>

**C. Amount the Tenant must pay if the tenancy is terminated**

Rent Owing To Hearing Date	\$21,683.06
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlords since the application was filed	- \$13,700.00
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$2,200.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$43.58
<b>Total amount owing to the Landlords</b>	<b>\$5,925.48</b>
Plus daily compensation owing for each day of occupation starting March 14, 2023	\$75.62 (per day)